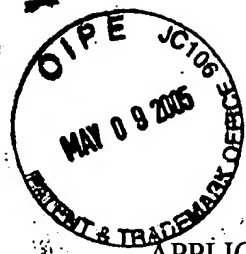


IFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Core, William Roger)
SERIAL NO.: 10/749,789)
FILED: December 31, 2003)
FOR: PLENUM AND DIFFUSER FOR)
HEATING, VENTILATING AND AIR-)
CONDITIONING APPLICATIONS)
DOCKET NO.: 005781.00008)
ART UNIT: 3749)
EXAMINING ATTORNEY: Boles, Derek)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

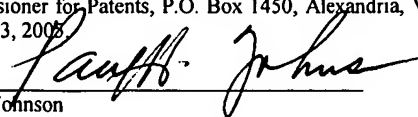
Dear Sirs:

RESPONSE TO THE OFFICE ACTION

This is in response to the Office Action mailed March 24, 2005. In the Office Action Examiner Boles has required a restriction between Claims 1-3 and Claims 4-9. In a telephone interview previously conducted, the undersigned elected the claims in Group II, that is, Claims 4-9. The election of Group II is confirmed. Applicant reserves the right to file a divisional application covering the non-elected claims of Group I.

Examiner Boles has rejected Claim 4 under 35 USC 102(b) as being anticipated by Snyder, U.S. Patent No. 6,458,028. Reference is made to Column 2, lines 34-45 which read as follows:

{471087;}

Certificate of Mailing Under 37 CFR 1.8
I hereby certify that this document and any document referred to as being attached therein is being deposited with the U.S. Postal Service in an envelope as "First Class Mail" addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 3, 2005.

Paul H. Johnson

“Diffuser 16 includes a plurality of concentrically-disposed vanes 40. (Emphasis added) Vanes 40 may be square as depicted in FIG. 3, triangular, round (FIG. 6), or any of a variety of other shapes as is known in the art. Vanes 40 are connected together and supported from a diffuser box 42 by supports 44. Diffuser box 42 includes a lower section 46 and an upper section 48. Lower section 46 of diffuser box 42 is configured to be supported by support members 22 and is typically the same size as one ceiling panel 20 so that lower diffuser section 46 replaces a ceiling panel 20 as shown in FIG. 3. Box 42 thus rests on four supports 22.”

This description specifically describes the diffuser 16 of Snyder by stating that “diffuser 16 includes a plurality of concentrically-disposed vanes 40”. This confirms to the drawings of Snyder. Concentric vanes are the diametric opposite of the structure called for in Claim 4. Claim 4 of the present invention defines a diffuser comprising “a generally planar, integral, circular structure formed of thin, rigid material and having a circumferential outer edge and a central opening dimensioned to accommodate an electrical junction box, and having a plurality of radially extending fins, each bent to extend at a common angle to the plane of the structure and a radially extending air slot opening in conjunction with each fin.”

Thus, the claim structure is exactly the opposite of the language quoted from Snyder. Snyder calls for a “concentrically-disposed vanes” whereas Claim 4 of the present invention calls for “radially extending fins”. Snyder does not show a diffuser “having a plurality of radially extending fins, each bent to extend at a common angle to the plane of the structure and a radially extending air slot opening in conjunction with each fin”. Snyder does not show this concept nor does the other cited references to Pellegrino and Cook. It seems irrefutable that Claim 4 is clearly patentable over the cited art.

The radially extending fins of this invention have significant advantages over the concentric fins in the cited references. Concentric fins distribute air radially whereas the radial

fins distribute the air circumferentially. Thus, in Applicant's invention, air is distributed so that it tends to swirl and thereby achieve greater mixing with the ambient air.

The dependent Claims 5-8 have been rejected over the references to Snyder in combination with Pellegrino and/or Cook or Core (Applicant herein). None of these references show radially extending fins and therefore none are applicable to these claims.

It seems irrefutable that Claims 4-8 are clear of the prior art and the application is in condition for allowance.

Respectfully submitted,



Paul H. Johnson

Date: May 3, 2005

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